



Arizona Peace Officer Standards and Training Board

2643 East University Drive Phoenix, Arizona 85034-6914 Phone (602) 223-2514 Fax (602- 244-0477

Minutes of Meeting March 21, 2018

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on March 21, 2018, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman
Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich
Sergeant Chris Andreacola, Tucson Police Department
Sergeant Leo Aparicio, Pinal County Sheriff's Office
Sheriff Mark Dannels, Cochise County Sheriff's Office
Chief Byron Gwaltney, Pima County Sheriff's Department
Chief Lawrence Hall, Buckeye Police Department
Mr. Andrew LeFevre, Grand Canyon University
Director Charles Ryan, AZ Department of Corrections
Deputy Director Heston Silbert, representing Colonel Frank Milstead, AZ Department of Public Safety
Chief Alan Rodbell, Scottsdale Police Department
Mr. Richard Wooten, Public Member

Staff in Attendance:

Jack G. Lane, Executive Director
Billy Caldwell, Compliance Specialist
Dan Ciernia, Video Production Supervisor
Mike Deltenre, Compliance Specialist
Marie Dryer, Program Administrator
Cathy Hawse, Compliance Specialist
Arlene Heckel, Compliance Specialist
Steve Jacobs, Compliance Specialist
Mike Orose, Compliance Specialist
Mark Perkovich, Program Administrator
Cynthia Sawyer, Training Compliance Specialist
Sandy Sierra, Administrative Services Officer
Chester Szoltysik, Systems Administrator
Lori Wait, Compliance Specialist
Don Yennie, Program Administrator

Assistant Attorneys General:

Michael Saltz
Seth Hargraves

A. Call to Order

Chairman Mascher called the meeting to order at 10:00 a.m. and asked Sergeant Andreacola to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

Jack G. Lane, Executive Director

- Congratulations to Sheriff Mark Dannels on being selected Sheriff of the Year by the Western States Sheriff's Association.
- A plaque was presented to Don Yennie, training manager, in appreciation for his 33 years of law enforcement service, nine of those years were spent at AZ POST. Don retired from the Tempe Police Department in 2013 as a commander and then came to POST full-time as a training manager. He is retiring at the end of this month to fulfill his lifelong dream of working his farm in Ohio.

C. Consent Agenda

Chief Rodbell made a motion to accept the Consent Agenda. The motion was seconded by Mr. LeFevre and passed unanimously.

1. Minutes of the Board meeting held on January 17, 2018, were approved as written.
Minutes of the Board meeting held on February 21, 2018, were approved as written.

2. Ministerial Actions:

a. Certification Waivers:

George P. McKinley	Goodyear Police Department
Roman, Juan F.	Goodyear Police Department
Manos, Robert W.	Superior Police Department
Joshua M. Reid	Phoenix Police Department
Jennifer L. Pitt	AZ Attorney General's Office
Benjamin W. Lovell	Gila River Police Department
Scott Daniel III	Goodyear Police Department
Kenneth M. Russo	Scottsdale Police Department
Brandon J. Treglown	Scottsdale Police Department

3. Income and Expense Statement – January 2018

Funds as of January 1, 2018	\$1,557,516.35
CJEF Revenue (January 2018)	454,229.84
Misc. Revenue (January 2018)	210.88
Expenditures for January 2018	(629,329.62)
Balance as of January 31, 2018	\$1,382,627.45

4. Consent Agreements for Voluntary Relinquishment, Voluntary Denial and/or Voluntary Cancellation of Peace Officer Certification for the following:

Roland J. Gonzalez	17-170	Maricopa County Sheriff’s Office
Michael A. Slayton	18-007	Flagstaff Police Department
Frank Carrizosa	18-005	Tucson Police Department
Justin E. Claybourn	18-029	Tucson Police Department
Tania A. Silva	17-111	AZ Department of Public Safety
Jared Charley	18-033	Phoenix Police Department
Donald J. Carroll	17-113	AZ Attorney General’s Office
Oscar R. Ortega	15-164	Douglas Police Department

D. Executive Director’s Report

Jack G. Lane, Executive Director

- The CJEF revenues for last month were just slightly below budget projections. We are still hopeful that the Governor’s 2019 budget which shows \$837,000 being allocated to AZ POST for basic training funding is approved by the legislature.
- Attended the What You Do Matters – Lessons from the Holocaust training last week. The governor was also in attendance at this training.

E. Legislative Update

Jack G. Lane, Executive Director

- This is the last week for bills to be heard. SB 1498 will be heard this afternoon and this bill changes the peer membership on the Board to two certified law enforcement officers who have knowledge of and experience in representing peace officers in disciplinary cases. One of the officers must have a rank of officer and the other must have a rank of deputy. One of the officers must be from a county with a population of less than 500,000. Another bill being heard that we are monitoring is SB 1436. This bill will allow convicted felons the right to petition a licensing Board to receive a license without using their criminal record against them. Exemptions for law enforcement agencies and AZ POST have been made to this bill. This bill will also be heard this afternoon.

F. Summary of Current Events

Jack G. Lane, Executive Director

There is nothing new to report.

G. Review, Discussion and Possible Action on a Petition of the Juvenile Indiscretion Rule from the Tucson Police Department on behalf of Applicant Jacob Martinez

Sergeant Andreacola recused himself from this agenda item.

The Tucson Police Department petitioned the Board to determine that the drug sale by applicant Jacob Martinez, at the age of 16, was juvenile indiscretion. Assistant Chief Kazmierczak addressed the Board to ask that the petition be granted.

Deputy Director Silbert made a motion to grant the petition for a determination that the pre-employment drug sale by Jacob Martinez was juvenile indiscretion. The motion was seconded by Chief Gwaltney and passed unanimously.

H. Reports – Department of Corrections

Director Charles Ryan

- Since the last regular meeting, 66 cadets have graduated from COTA. Currently there are four classes with 111 cadets in attendance. There are 922 vacancies statewide. Twelve cadets have graduated through county and tribal detention IGAs; a canine academy is currently underway.

Reports – In-Service Training

Training Program Administrator Don Yennie

- Since the last regular meeting the following training was facilitated: What You Do Matters; Narcan User Class; Physical Fitness; Advanced Collision Investigations, ALP #23 weeks two and three.
- A Statewide Training Coordinators Meeting was held at Game and Fish with more than 100 training coordinators in attendance.
- Children’s Justice League lesson plans have been approved.
- With the graduation of ALP Class #23, 1564 students have graduated from ALP.
- The Digital Media Unit has been working on the following:
 - APRAIS Domestic Violence Training under the Arizona Multi-Agency/Stakeholder APRAIS Train-The-Trainer Conference Memorandum of Understanding is wrapping post-production on the Digital Media Training Program “APRAIS- Arizona Intimate Partner Risk Assessment Instrument System - Overview for Law Enforcement”. This is the first digital media-training program primarily targeted at patrol officers. The training will provide an overview of the APRAIS tool and the use of the tool and will be released for distribution on March 25, 2018. Location production will continue during 2018 with a training session scheduled in Sierra Vista for March 13 & 14 at the Sierra Vista police Department. In addition, a series of video/graphics promotional announcements to promote and bring awareness about the APRAIS Law Enforcement training sessions and opportunities to Arizona law enforcement agencies statewide has been produced.
 - The production of the AZCJC Arizona Youth Survey (AYS) marketing program has been completed and is posted on the ACJC website.

Don thanked the Board and Executive Director Lane for allowing him the opportunity to cultivate the leadership and in-service training programs at AZ POST.

I. Final Action Cases:

1. 15-136 – Edward S. Perez – Tohono O’odham Nation Police Department
The Board considered comments from Assistant Attorney General Michael Saltz. Chief Hall made a motion to accept the Consent Agreement, Decision and Order for a one year suspension of Mr. Perez’s peace officer certification. The suspension shall be in effect from August 29, 2015 through August 29, 2016. The motion was seconded by Sergeant Andreacola and passed unanimously.
2. #17-158 – Anthony L. Levy – Tucson Police Department
Sergeant Andreacola recused himself from this case. The Board considered comments from Compliance Manager Mark Perkovich. Chief Rodbell made a motion to accept the Findings of Fact and Conclusions of Law and deny peace officer certification to Mr. Levy. The motion was seconded by Sergeant Aparicio and passed unanimously.
3. #17-142 – Julie M. Smith – Phoenix Police Department
The Board considered comments from Compliance Manager Mark Perkovich. Sheriff Dannels made a motion to accept the Findings of Fact and Conclusions of Law and revoke Ms. Smith’s peace officer certification. The motion was seconded by Chief Hall and passed unanimously.
4. #16-167 – Anthony T. LeClaire – Scottsdale Police Department
Chief Rodbell recused himself from this case. The Board considered comments from Compliance Manager Mark Perkovich. Mr. LeFevre made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. LeClaire’s peace officer certification. The motion was seconded by Sergeant Andreacola and passed unanimously.
5. #16-153 – Adam R. Sanetra – Scottsdale Police Department
Chief Rodbell recused himself from this case. The Board considered comments from Compliance Manager Mark Perkovich. Sergeant Aparicio made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Sanetra’s peace officer certification. The motion was seconded by Director Ryan and passed unanimously.
6. #17-157 – Daniel J. LaBarbera – AZ Department of Public Safety
Deputy Director Silbert recused himself from this case. The Board considered comments from Compliance Manager Mark Perkovich. Mr. Ahler (AAG) made a motion to accept the Findings of Fact and Conclusions of Law and deny peace officer certification to Mr. LaBarbera. The motion was seconded by Chief Rodbell and passed unanimously.

J. New Charging Cases:

1. #17-150 – Carlos Z. Soto – Santa Cruz County Sheriff’s Office
The Board considered comments from Compliance Specialist Cathy Hawse. Sheriff Dannels made a motion to close this case with **No Action**. The motion was seconded by Chief Rodbell and passed unanimously.
2. #18-035 – Nathaniel L. Lolovich – Bullhead City Police Department
The Board considered comments from Compliance Specialist Steve Jacobs. Chief Gwaltney made a motion to **Initiate Proceedings** against Mr. Lolovich’s peace officer certification. The motion was seconded by Sergeant Aparicio and passed unanimously.
3. #18-015 – Joshua J. Rhodes – Mohave County Sheriff’s Office
The Board considered comments from Compliance Specialist Steve Jacobs. Sheriff Dannels made a motion to **Initiate Proceedings** against Mr. Rhodes’ peace officer certification. The motion was seconded by Mr. Wooten and passed unanimously.
4. #17-162 – Joseph A. McCarthy – Winslow Police Department
The Board considered comments from Compliance Specialist Lori Wait. Chief Hall made a motion to **Initiate Proceedings** against Mr. McCarthy’s peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.

K. Call to the Public

No one wished to address the Board.

L. Future Agenda Items

An update will be provided at the May meeting on the Job Task Analysis (JTA) Project.

M. Adjournment

The meeting was adjourned at 10:55 a.m.